

**TABLE OF CONTENTS**

**CHAPTER AGR 911 CERTIFICATION OF ORGANICALLY PRODUCED  
PLANT, ANIMAL FOOD OR FIBER COMMODITIES**

SECTION Agr 911.01	Purpose
SECTION Agr 911.02	Scope
SECTION Agr 911.03	Definitions
SECTION Agr 911.04	Organic Certification of Agricultural Commodities
SECTION Agr 911.05	Application for Certification
SECTION Agr 911.06	Continuation of Certification
SECTION Agr 911.07	Use of the USDA Organic Seal and the NHDMAF Organic Logo
SECTION Agr 911.08	Recordkeeping

PART Agr 911 CERTIFICATION OF ORGANICALLY PRODUCED PLANT, ANIMAL,  
FOOD OR FIBER COMMODITIES

Statutory Authority: RSA 426:8

Agr 911.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 426:8, allowing producers of agricultural plant, animal, food or fiber commodities to label such items as organic when adhering to these production standards.

Source. #7838, eff 2-27-03

Agr 911.02 Scope. These rules shall apply to any producer of agricultural plant, animal, food, or fiber commodities who is required to participate in this program as per RSA 426:6-b certification.

Source. #7838, eff 2-27-03

Agr 911.03 Definitions. The following words shall have the meanings indicated when used in this part:

(a) “Commissioner” means the commissioner of agriculture, markets and food of the state of New Hampshire;

(b) “Department” means the New Hampshire department of agriculture, markets and food (NHDAMF); and

(c) “Organic system plan” means a plan of management of an organic production or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this part.

Source. #7838, eff 2-27-03

Agr 911.04 Organic Certification of Agricultural Commodities.

(a) The definitions, standards and requirements for organically produced plant, animal, food or fiber commodities shall be those promulgated by the United States Department of Agriculture’s National Organic Program (NOP), Final Rule, 7 CFR part 205, and in accordance with the Organic Foods Production Act, (OFPA) of 1990, as amended (7 U.S.C. 6501 *et seq.*).

Source. #7838, eff 2-27-03

Agr 911.05 Application for Certification.

(a) Applications for certification of agricultural commodities shall serve as the organic system plan as described in Subpart C--Organic Production and Handling Requirements of the NOP Final Rule, 7 CFR part 205.

(b) The following shall apply to organizations or individuals who wish to make application for organic certification through the NHDAMF:

(1) Each applicant shall complete an organic production system plan in the form of an application provided by the department;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) Each application shall be submitted to the bureau of markets, PO Box 2042, Concord, NH 03302-2042;

(3) Each application shall be accompanied by a nonrefundable certification fee of \$100;

(4) Each application for organic maple, horticultural and agronomic crops, and greenhouse production shall be accompanied by an inspection fee as listed in Table 911-1 Inspection Fees For Organic Maple, Horticultural and Agronomic, and Greenhouse Production:

Table 911-1 Inspection Fees for Organic Maple, Horticultural and Agronomic Crops, and Greenhouse Production

Production Type	Fee	Fee	Fee	Fee	Fee	Fee
	\$50	\$100	\$200	\$300	\$400	\$500
Agronomic crops, including hay & pasture; production # acres	50 or less	>50-100	>100-200	>200-300	>300-400	>400
Horticultural crops, including fruits & vegetable; production # acres	10 or less	>10-25	>25-75	>75-100	>100-250	>250
# Maple Taps	1000 or less	>1000-2000	>2000-3000	>3000-5000	>5000-10,000	>10,000
# Sq. Ft. controlled environ production	2000 or less	>2000-4000	>4000-6000	>6000-10,000	>10,000-20,000	>20,000

(5) Each application for organic livestock production shall be accompanied by an inspection fee as listed in Table 911-2 Inspection Fees for Organic Livestock:

Table 911.2 Inspection Fees for Organic Livestock

	Fee	Fee	Fee	Fee	Fee	Fee
	\$50	\$100	\$150	\$200	\$300	\$400
Animal Units (AU)	<4 AU	>4-20 AU	>20-40 AU	>40-60 AU	>60-80 AU	>80 AU

(6) Inspection fees for livestock shall be determined as indicated below:

a. To determine the number of animal units (AU) per animal type, the applicant shall use Table 911.3:

Table 911.3 Animal Unit (AU) Equivalent

Animal type	Animal Unit (AU) Factor
Beef Cow	1.00
Dairy Cow	1.40
Swine	0.20
Sheep	0.10
Turkeys and other fowl	0.01

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Chickens	0.0025
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b. An AU shall be calculated by multiplying the number of animals by its respective AU factor, as in the formula below:

# Animals of each type x AU factor = total number AU's for each animal type

c. An AU shall represent 1000 pounds of live animal weight.

(7) An applicant with multiple animal types shall calculate the number of AU per species, then add these figures to get the total number of AU to determine the inspection fee; and

(8) Application submission deadlines shall be as follows:

- a. For field crop production the deadline shall be March 1 of each year;
- b. For maple products the deadline shall be February 1 of each year; and
- c. For other types of organic production as listed in Tables 911-1 and 911-2 application submissions may be at any time of year.

(c) In addition to submitting the information and fees as required in Agr 911.05(b), an applicant for organic crop production shall submit the following as part of the application:

- (1) The name of applicant and applicant's business or farm name;
- (2) The address, and if applicable, telephone, fax and email of the applicant;
- (3) Description of farming operation;
- (4) The farm size in acres, number of fields or greenhouses and a map showing the fields or greenhouses and building locations;
- (5) A 3-year history of former and current crop production, pest control and fertilizer practices for each field, sugarbush or greenhouse;
- (6) A list of each substance to be used as a production input, indicating its composition, source, location(s) where it will be used and documentation of commercial availability, as applicable;
- (7) A crop rotation and a soil management plan;
- (8) A description of the recordkeeping system implemented;
- (9) A description of management practices and physical barriers utilized to prevent commingling of organic and nonorganic products on a split operation;
- (10) A description of any distinct, defined boundaries and buffer zones as may be required by this part;
- (11) A description of the management of plant, mineral, animal, other materials used in the improvement of the soil;
- (12) A description of the weed control practice standards;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(13) A description of harvest or post-production handling methods of organic products;

(14) Copies of any labels to be used for the sale or advertising of organic products; and

(15) The applicant's signature.

(d) In addition to submitting the information and fees as required in Agr 911.05(b), and Agr 911.05(c)(1),(2), (14) and (15), an applicant for organic maple production shall submit the following as part of the application:

(1) Number of taps in the sugaring operation;

(2) The location and a map of each sugarbush from which maple sap is obtained;

(3) If sap is received from the sugarbush of a person other than the applicant, a statement from the landowner indicating the landowner's awareness of the conditions of these rules;

(4) A 3-year history, beginning with the current year, indicating the number of taps per year and the total maple syrup production per year in gallons;

(5) The sources and names of all defoamers, cleansers and other substances used in the production of maple products; and

(6) The processing and packing procedures for any maple products that are to be sold, labeled or represented as organic.

(e) In addition to submitting the information and fees as required in Agr 911.05(b) and Agr 911.05(c)(1),(2), (14) and (15), an applicant for organic mushroom production shall submit the following as part of the application:

(1) Specie(s) of mushrooms to be produced;

(2) Mushroom production methods; and

(3) The sources and composition of logs, substrate or other growing media.

(f) In addition to submitting the information and fees as required in Agr 911.05(b), and Agr 911.05(c)(1),(2), (14) and (15), an applicant for organic livestock production shall submit the following as part of the application:

(1) Place of origin of livestock;

(2) Sources of all organic feeds, silage, hay, pasture and other feed ingredients;

(3) All livestock health care practices, including the source(s) and name(s) of substances administered and the date(s) and rate(s) of application;

(4) A description of the housing and living conditions appropriate to the livestock species;

(5) Processing and packing procedures for any livestock products that are to be sold, labeled or represented as organic; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (6) Pest control practices for livestock housing, feed storage and processing facility.

[Source.](#) #7838, eff 2-27-03

Agr 911.06 Continuation of Certification. To continue certification, a certified operation shall annually:

- (a) Pay the certification and inspection fees as stated in Table 911-1 and Table 911-2; and
- (b) Submit the required information, as applicable, to the department as stated in Section 205.406 Continuation of Certification of the NOP Final Rule, 7 CFR part 205.

[Source.](#) #7838, eff 2-27-03

Agr 911.07 Use of the USDA Organic Seal and NHDAMF Organic Logo.

(a) A person certified by the department shall use the USDA organic seal in accordance with the NOP Final Rule, 7 CFR part 205.

(b) A person certified by the department may use the NHDAMF certified logo on agricultural commodities certified in accordance with this part, subject to the following conditions:

- (1) No hand-drawn NHDAMF logo shall appear on an in-store sign; and
- (2) Requests for use of the NHDAMF logo on the certified producer's advertising material shall be submitted in writing to the department.
- (c) Copies of proofs, which exhibit the USDA organic seal and/or the NHDAMF certified logo, shall be submitted to the department.

[Source.](#) #7838, eff 2-27-03

Agr 911.08 Recordkeeping.

(a) A certified operation shall maintain records as stated in Section 205.103 Recordkeeping by certified operations, of the NOP Final Rule, 7 CFR part 205.

(b) Certified operations that produce both organic and nonorganic agricultural commodities shall maintain the following records:

- (1) Separate production and sale records; and
- (2) Procedures implemented to prevent the commingling and contamination of the organic products from nonorganic products.
- (c) Certified operations that sell organic and nonorganic agricultural commodities shall maintain the following records:

- (1) Sale records of such products; and
- (2) The sources of such products.

[Source.](#) #7838, eff 2-27-03

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

**APPENDIX**

<b>Rule</b>	<b>Specific State or Federal Statutes or Regulations which the Rule Implements</b>
Agr 906 (Repealed)	RSA 426:6-a and RSA 426:6-b, I
Agr 909 (Repealed)	RSA 426:6-a and RSA 426:6-b, I
Agr 910.01-Agr 910.03	RSA 426:8
Agr 910.04	RSA 426:6-b, I
Agr 910.05	RSA 426:6, RSA 426:8
Agr 910.06-Agr 910.07	RSA 426:6-a
Agr 910.08	RSA 426:6-b, I
Agr 911.04	RSA 426:6-b, I
Agr 911.05	RSA 426:6 and RSA 426:8
Agr 911.06 - Agr 911.07	RSA 426:6-a
Agr 911.08	RSA 426:6-b, I